

## REMARKS

The Office Action mailed January 23, 2006 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-6, 8-9, 11-13 and 15 are now pending in this application. Claims 7, 10, 14 and 16-23 have been canceled. Claims 1, 5, 6, 8, 11 and 15 are currently amended.

The rejection of claims 1-5 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and claim the subject matter of the invention is respectfully traversed. Claim 1 has been amended to recite “a casing, said casing comprising a first retaining tongue having an end portion received within said first channel and formed in a shape substantially complementary to a shape of said engagement portion.” Claims 2-4 depend from Claim 1 and are now also submitted to be definite. Further, Claim 5, which also depends from Claim 1, has been amended to recite “said bottom panel comprising a fastening projection, said bottom mullion comprising an extended flat portion for press fit engagement with said fastening projection.” Accordingly, for at least the reasons set forth above, Applicants respectfully request that the Section 112 rejections of Claims 1-5 be withdrawn.

The rejection of Claims 1-15 under 35 U.S.C. § 102(b) as being anticipated by Kordes (U.S. Patent No. 4,134,626) is respectfully traversed.

Kordes describes a door (10) for a refrigerator. Door (10) has an outer door face (12) with an outer wall (14), side walls (16), and a rim (18). Rim (18) extends inwardly from side walls (16) in spaced relation thereto, terminating at an inner edge (20) that defines an opening or chamber (26) in face (12). A drum (22) is disposed over the opening (26). An outer periphery (24) of drum (22) is positioned adjacent to, but spaced apart from, opposing portions of rim (18). A retainer (30) is slipped over the edge (20) of rim (18). Retainer (30) includes two oppositely opening portions (32) and (34). A temporary spacer (36) is inserted between rim (18) and opposing portions of retainer (30). Spacer (36) is removed after chamber (26) is filled with an insulating material (28) (col. 3, line 66 – col. 4, line 8). The

spacer is not a part of the retainer, the case, or the drum and is removed and discarded after the insulating material is added. Notably, Kordes does not describe nor suggest an engagement portion that extends obliquely from a first retainer portion of a first channel and transitions into a second retainer portion of the first channel and a casing including a first retaining tongue having an end portion received within the first channel and formed in a shape substantially complementary to a shape of the engagement portion.

Claim 1 recites a refrigeration appliance cabinet including “a bottom mullion, said bottom mullion comprising a pair of adjacent channels and an engagement portion proximate a base portion of a first channel of said pair of adjacent channels, said engagement portion extending obliquely from a first retainer portion of said first channel and transitioning into a second retainer portion of said first channel … and a casing, said casing comprising a first retaining tongue having an end portion received within said first channel and formed in a shape substantially complementary to a shape of said engagement portion.”

Kordes does not describe nor suggest a refrigeration appliance cabinet as recited in Claim 1. Specifically, Kordes does not describe nor suggest a bottom mullion including a pair of adjacent channels and an engagement portion proximate a base portion of a first channel of the pair of adjacent channels, wherein the engagement portion extends obliquely from a first retainer portion of the first channel and transitions into a second retainer portion of the first channel and a casing including a first retaining tongue having an end portion received within the first channel, and formed in a shape substantially complementary to a shape of said engagement portion, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Kordes merely describes a substantially flat rim 18 of outer door face 12 that is coupled to a drum 22 with a retainer 30 having a substantially flat opening portion 32. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Kordes.

Claims 2-5 depend from independent Claim 1. When the recitations of Claims 2-5 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-5 likewise are patentable over Kordes.

Claim 6 recites a refrigerator cabinet including “a bottom mullion, said bottom mullion comprising a pair of adjacent channels and an engagement portion, said engagement portion extending obliquely from a first retainer portion partially defining a first channel of said adjacent channels and transitioning into a second retainer portion partially defining said first channel ... and a casing in press fit engagement with said bottom mullion engagement portion, said casing comprising a fastening projection having an end portion received within said first channel and formed in a shape substantially complementary to a shape of said engagement portion.”

Kordes does not describe nor suggest a refrigeration cabinet as recited in Claim 6. Specifically, Kordes does not describe or suggest a refrigerator cabinet including a bottom mullion including a pair of adjacent channels and an engagement portion, wherein the engagement portion extends obliquely from a first retainer portion partially defining a first channel of the adjacent channels and transitions into a second retainer portion partially defining the first channel, and a casing including a fastening projection having an end portion received within the first channel and formed in a shape substantially complementary to a shape of the engagement portion, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Kordes merely describes a substantially flat rim 18 of outer door face 12 that is coupled to a drum 22 with a retainer 30 having a substantially flat opening portion 32. Accordingly, for at least the reasons set forth above, Claim 6 is submitted to be patentable over Kordes.

Claims 7 and 10 have been canceled. Claims 8 and 9 depend from independent Claim 6. When the recitations of Claims 8 and 9 are considered in combination with the recitations of Claim 6, Applicants submit that dependent Claims 8 and 9 likewise are patentable over Kordes.

Claim 11 recites a refrigerator cabinet including “a casing ... an inner liner within said casing, said inner liner comprising at least one refrigeration compartment ... and a bottom mullion, said bottom mullion comprising a pair of adjacent channels, said bottom

mullion configured to receive a portion of said inner liner, said casing configured to receive a portion of said bottom mullion with press fit engagement, a first channel of said pair of adjacent channels at least partially defined by an engagement portion extending obliquely from a first retainer portion of said first channel and transitioning into a second retainer portion of said first channel, said casing comprising a tongue having an end portion received within said first channel and formed in a shape substantially complementary to a shape of said engagement portion.”

Kordes does not describe nor suggest a refrigeration cabinet as recited in Claim 11. Specifically, Kordes does not describe or suggest a refrigerator cabinet including a bottom mullion including a pair of adjacent channels, wherein a first channel of the pair of adjacent channels is at least partially defined by an engagement portion extending obliquely from a first retainer portion of the first channel and transitioning into a second retainer portion of the first channel, and the casing includes a tongue having an end portion received within the first channel and formed in a shape substantially complementary to a shape of the engagement portion, as required by Applicants’ claimed invention. Moreover, Kordes does not describe or suggest a casing and an inner liner within the casing, as required by Applicants’ claimed invention. Rather, in contrast to the present invention, Kordes merely describes a substantially flat rim 18 of outer door face 12 that is coupled to a drum 22 with a retainer 30 having a substantially flat opening portion 32. Accordingly, for at least the reasons set forth above, Claim 11 is submitted to be patentable over Kordes.

Claim 14 has been canceled. Claims 12, 13, and 15 depend from independent Claim 11. When the recitations of Claims 12, 13, and 15 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claims 12, 13, and 15 likewise are patentable over Kordes.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-15 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Patrick W. Rasche  
Registration No. 37,916  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070